

MINUTES

The State Board of Elections Board Meeting was held on Wednesday, April 3, 2013. The meeting was held in the General Assembly Building, Room C, in Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary; Joshua Lief, Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy Secretary; Nikki Sheridan, Confidential Policy Advisor; Chris Piper, Election Services Manager; Matthew Davis, IT Manager; Susan Lee, Election Uniformity Manager; Sharon Woo, Business Manager; and Matt Abell, Election Services Lead. Chairman Judd called the meeting to order at 10:00AM.

The first order of business was the approval of the Minutes from the State Board of Elections Board Meeting held on January 8, 2013. After a careful review, Chairman Judd made a motion to approve the Minutes. Vice Chair Bowers seconded the motion and the Board unanimously approved the Minutes.

The second order of business was the Secretary's Report delivered by Secretary Palmer. The Secretary's Report is an agenda item for each Board meeting describing recent developments at SBE. Secretary Palmer reported that testing for the ES&S 3.4.0.1 which includes the DS850 high speed scanner occurred at SBE. Secretary Palmer stated that SBE is awaiting the final results and report of testing. Secretary Palmer introduced Ray Alexander, the new SBE Grants Manager, and extended a warm welcome to Mr. Alexander. Secretary Palmer reported that the Governor signed SBE1256, a photo identification bill, and that the Governor also issued an Executive Order 62 outlining parameters of implementation. Secretary Palmer reported that SBE will be working closely with localities on the implementation of SB1256. Secretary Palmer reported that there will be a voter outreach program associated with Executive Order 62 and that SBE will be working with stakeholders during all the phases of the outreach program. Secretary Palmer reported that HB2341, online voter registration, also passed and SBE believes that this process will streamline the voter registration process and help improve the integrity of the voter registration database. Secretary Palmer reported that July 1, 2013 will be the implementation date of the online electronic registration process. Secretary Palmer reported that HB2341 will also help voters update their registrations as

33 well as reduce delays in the mailing process and reduce the amount of paper used in the
34 registration process. Secretary Palmer reported that with the passage of SB1008, training
35 will be required for individuals who wish to receive 25 or more registration applications
36 and conduct registration drives. Secretary Palmer stated that training will be available
37 online and in the classroom. Secretary Palmer reported that with the passage of HB2022,
38 Virginia will be able to share and receive information on potential dual registration.
39 Secretary Palmer reported that with the passage of SB1229 the State Board of Elections
40 will be renamed the Department of Elections with the position of Commissioner of
41 Elections heading the agency and that transition will also change the makeup of the SBE
42 Board. Vice Chair Bowers followed up to the Secretary's report with some questions
43 regarding implementation of SB1256, including a query on the financial burdens placed
44 on the localities as a result of the new law. Secretary Palmer stated that the Governor
45 encouraged localities to get involved in the outreach program and that monies were
46 appropriated to SBE to pay for the installation of equipment and production of the free
47 photo ID cards that would be available to voters who do not already possess an
48 acceptable photo ID.

49 The next order of business was the Legal Report delivered by Joshua Lief, Senior
50 Assistant Attorney General and SBE Counsel. The Legal Report is an agenda item for
51 each Board Meeting describing recent litigation issues involving SBE. Mr. Lief provided
52 an update on current litigation. Mr. Lief reported that the Attorney General's ballot
53 access package presented to the General Assembly passed. Mr. Lief reported that his
54 office is working on the preclearance documents needed to support the bills that the
55 Governor has signed. Mr. Lief report that the Supreme Court decision on Section 5 of the
56 Voting Rights Act was expected this summer. Mr. Lief reported that there are two
57 pending cases; the *Libertarian Party* case which is in the court of appeals and the *Fairfax*
58 *County Democratic Party* case against SBE and the General Registrar of Fairfax County.

59 The next order of business was the General Registrar requests for temporary full-
60 time status for the Charles City and Mathews Counties. Deputy Riemer informed the
61 Board Members the Electoral Boards submitted the required requests in a timely manner.
62 Deputy Riemer noted the requests are authorized under Chapter 890, 2012 Acts of
63 Assembly and SBE recommended approval of the submitted requests. Vice Chair Bowers
64 moved the Board approve the request from the Electoral Board of the Charles City

65 County for the months April, May, and June 2013. Chairman Judd asked if there were
66 any questions. Robin Lind, Virginia Electoral Board Association, stated that he was
67 appreciative of the support SBE Board Members provide by approving these requests.
68 Secretary Palmer seconded the motion and the Board unanimously approved the motion.
69 Secretary Palmer moved to approve the request from the Electoral Board of Mathews
70 County for the months of May and June 2013. Vice Chair Bowers seconded the motion
71 and the Board unanimously approved the motion. Chairman Judd asked if there were any
72 comments and there were none.

73 The next order of business was the drawing of the ballot order for the June 2013
74 Primary Election. Matt Abell, Election Services Lead, explained the process. Mr. Abell
75 stated that the drawings were for the Lieutenant Governor's ballot position in the June
76 2013 Democratic Primary. Vice Chair Bowers drew the first position of Ralph Northam
77 and Secretary Palmer drew the second position of Aneesh Chopra. Mr. Abell stated that
78 there will be a second drawing for the Republican Primary in House District 85. Vice
79 Chair Bowers drew the first position of T. Jeremy Walters, Secretary Palmer drew Gary
80 C. Byler. Chairman Judd noted that Scott W. Taylor would be placed in the third position
81 as a result of his filings occurring after the simultaneous filings of Mr. Walters and Mr.
82 Byler.

83 The next order of business was the approval of the Campaign Finance Summaries
84 presented by Chris Piper, SBE Election Services Manager. Mr. Piper stated that section
85 24.2-946 of the Code of Virginia requires the State Board of Elections to summarize the
86 provisions of the Campaign Finance Disclosure Act of 2006 and prepare the summary for
87 distribution to candidates and committees upon request or at the time that they first
88 register with agency. Mr. Piper stated that in July 2012 the Board approved numerous
89 updates to the Candidate Campaign Committee Summary on Laws and Policies. Mr.
90 Piper stated that the most significant updates were to the procedure and civil penalty
91 schedule for late and fail to file campaign finance reports as well as to the incomplete
92 report policy. Mr. Piper stated that documents provided for Board review conform to the
93 political committee summaries. Mr. Piper thanked SBE staff member Lindsay Fraser for
94 her assistance in preparing the documents. Chairman Judd asked if there were any
95 comments and there were none. Secretary Palmer moved that the Board approve the
96 proposed update to the Political Committees' Summary on Campaign Finance Laws and

97 Policies. Vice Chair Bowers seconded the motion and the Board unanimously approved
98 the motion.

99 The next order of business was the “Request to Waive Civil Penalties” presented
100 by Chris Piper, SBE Election Services Manager. Mr. Piper identified the matter for Board
101 consideration as the complaint against the American Fire Sprinkler Association Virginia
102 Chapter (PAC 12-00120). Mr. Piper informed the Board that the committee was
103 penalized on October 16, 2012 for not filing their campaign finance report due October
104 15, 2012 in a timely manner. Mr. Piper stated that the committee requests a waiver of the
105 penalty due to hospitalization of a relative. Mr. Piper stated that staff recommends
106 waiving the \$100 penalty assessed as the request is not in conflict with official Board
107 policy stating that extenuating personal circumstances of a committee treasurer is good
108 cause allowing Board waiver of campaign finance civil penalties. Chairman Judd
109 inquired if there were any public comments and there were none. Chairman Judd moved
110 to waive the penalty assessed to PAC 12-00120, Vice Chair Bowers seconded the motion
111 and the Board unanimously approved the motion.

112 The next order of business was the 2013 Homeland Security Award and Letter
113 presented by Secretary Palmer. Secretary Palmer stated that SBE received this award
114 from the Secretary of Veterans Affairs and Homeland Security. Secretary Palmer thanked
115 SBE staff members for the preparations leading up to the general elections and stated that
116 those preparations contributed to this recognition.

117 The next order of business was the staff report on the Interstate Voter Registration
118 Crosscheck Program and Electronic Registration Information Center (ERIC). Matthew
119 Davis, Information Services Manager, presented the update. Mr. Davis stated that in
120 2012 SBE entered into an agreement to share with 21 other states the registration list of
121 the voters of Virginia. Mr. Davis stated that this data sharing was designed to look for
122 duplicate registrations. Mr. Davis reported that the results of this data sharing showed
123 matches based on last name, first name, and date of birth for over 308,000 possible
124 duplicate registrations. Mr. Davis stated that SBE has taken additional steps to narrow
125 down the findings by adding the data field of the last four digits of an individual’s Social
126 Security Number. Mr. Davis stated that this new match reduced the number to 164,000
127 possible matches and of those voters approximately 97,000 are active voters in Virginia.
128 Mr. Davis stated that SBE is analyzing the findings to ensure accurate data input occurred

129 as the program is in its early stages. Mr. Davis stated that removing voters from the
130 Virginia rolls is a lengthy process which involves time, verification, and caution.
131 Chairman Judd thanked Mr. Davis for the update and asked if there were any questions
132 and there were none.

133 The next order of business was a demonstration by Democracy Live on the
134 Tablet-based Accessible Ballot Marking Device. Brian Finney, President and CEO of
135 Democracy Live, provided an overview of their company. Mr. Finney stated that the City
136 of Charlottesville expressed interested in piloting a program utilizing the new tablet
137 provided by Democracy Live to meet their voter with disabilities needs. Mr. Finney
138 provided a demonstration of the equipment to the Board Members. Chairman Judd asked
139 questions related to the equipment. Susan Lee stated that SBE staff had not had an
140 opportunity to review and test the equipment and could not provide comment at this time.
141 She recommended that Democracy Live submit the equipment for testing at an accredited
142 lab and to SBE staff. Pending the results of the testing, this equipment could be
143 presented to the Board for approve at a future meeting. Chairman Judd stated that the
144 “New Business” portion of the agenda had concluded and inquired if there was business
145 under “Other Business”. Mr. Samuel Walker approached the podium. Mr. Walker stated
146 that he had provided materials to SBE and that he was solely acting on behalf of himself
147 in regards to a matter in Culpeper County. Mr. Walker stated that in his letter dated
148 December 19, 2012 to SBE he stated his concerns about Megan Fredrick and Lawrence
149 Fredrick not being residents and domiciled in Culpeper County at the time they
150 completed their voter registration applications. Chairman Judd inquired of Mr. Walker if
151 he was asking the Board for a particular action. Mr. Walker stated that normally this
152 would fall to the local Commonwealth’s Attorney office but since that is the individual in
153 question that he is asking the SBE Board Members to consider using its influence with
154 the local board to request an investigation. Chairman Judd informed Mr. Walker that by
155 Virginia Code the SBE Board Members do not have the authority to investigate and the
156 matter should be directed to the local authorities. Chairman Judd thanked Mr. Walker for
157 his time. Chairman Judd inquired if there were any other public comments.

158 Robin Lind, Communication Director and Chair, Legislative Committee Virginia
159 Electoral Board Association approached the podium. Mr. Lind stated that the Vice Chair
160 of the Goochland County Electoral Board reviewed the officer of elections online training

161 module and that the Goochland County Electoral Board voted to submit to the State
162 Board a list of suggestions regarding the scope of the training. Mr. Lind thanked the
163 Board members for their time. Chairman Judd inquired if there were any other
164 comments. Deputy Riemer noted that everyone appreciated Goochland's input on the
165 issue but that raising it directly with staff would have been more appropriate, not in the
166 context of a public Board meeting. Secretary Palmer noted that he spoke with Mr. Lind
167 prior to the meeting and that he understood Mr. Lind was going to bring it before the
168 Board and that he appreciated the suggestions. Susan Lee also gave brief remarks
169 regarding the online officer of election training efforts, including the amount of positive
170 feedback received on the program thus far.

171 Chairman Judd then moved to close the meeting to discuss actual and probable
172 litigation matters and specific legal matters requiring the provision of legal advice by
173 legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia. Chairman Judd
174 directed; Justin Riemer, Deputy Secretary; Nikki Sheridan, Confidential Policy Advisor;
175 Rose Mansfield, Executive Assistant and Matthew Davis, Information Service Manager,
176 to remain with the Board during the closed meeting. Secretary Palmer seconded the
177 motion and the Board went into Executive Session at 11:40AM.

178 At 12:30PM Chairman Judd moved to reconvene in open session and a roll call
179 vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously
180 certifying that during the closed meeting (i) only public business matters lawfully
181 exempted from open meeting requirements under this chapter, and (ii) only such public
182 business matters as were identified in the motion by which the closed meeting was
183 concerned were heard, were discussed or considered.

184 Chairman Judd moved to ask the Office of the Attorney General to investigate the
185 possibility of voter fraud and double voting as a result of the Interstate Crosscheck
186 Program that was discussed in this Board Meeting. Vice Chair Bowers seconded the
187 motion and the Board unanimously approved the motion.

188 Chairman Judd asked if there was any other business to come before the Board for
189 the Good of the Order and with there being none Chairman Judd made a motion to
190 adjourn. Vice Chair Bowers seconded the motion and the Board unanimously passed the
191 motion. The Board shall reconvene on May 22, 2013 at 10:00 AM in the General

192 Assembly Building, Room C. The meeting was adjourned at approximately
193 12:35PM.

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Secretary

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Chair

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Vice-Chair

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